

MINUTES
ZONING COMMISSION
APRIL 1, 2009 - 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Haviland, Hudecek, O'Neill, Alternates Cady, Marquardt,
Sutherland
Staff: Murphy, Silsby

Meeting called to order at 7:00 p.m.

Chairman Hudecek appointed Cady to sit for Brandt.

II. APPROVAL OF THE MINUTES OF February 4, 2009 and March 4, 2009

MOTION: To approve the minutes of February 4, 2009

Motion made by Haviland, seconded by French.

Discussion ensued about the specific wording and content that was put into the minutes.

Relating to the protecting Groton's water supply, the issue of rezoning was brought up and the process that needs to be followed was noted. Staff explained that the minutes are not meant to be a transcript and that audio tapes are available. The industrial areas will be discussed in detail at a later date. Recommendations for rezoning industrial park areas based on the POCD will be brought up to the consultants when the issue of rezoning is discussed.

The minutes were approved as written.

MOTION: To approve the minutes of March 4, 2009

Motion made by Haviland, seconded by O'Neill.

Sutherland provided a written proposal was distributed to the members for consideration to amend the minutes of the March 4, 2009 Joint meeting with the Zoning Commission and the Planning Commission. She made a Motion to Amend the minutes to include her proposed changes, seconded by French.

Discussion followed about the language and the detail of the minutes. Staff clarified that minutes are to reflect decisions made at meetings and not a transcript, per the Town Clerk's guidelines. He reiterated that audio tapes of that joint meeting are available in the Planning Department. It was noted that the joint meeting was an informational session only and that no formal action was taken. An opportunity to discuss in detail will take place at a later date. Staff stated that the joint meeting focused on developability of properties. He noted that ratios would cover many areas.

Motion on the Amendment was 2 opposed (Cady and O'Neill) and 3 abstentions (Haviland, Hudecek, French). Motion Failed.

Hudecek stated that these meetings with the consultant shall reflect concerns raised by commissioners.

Sutherland made a Motion to Amend to strike the 2nd sentence in paragraph 5 on page 2 beginning with the words "Some members...", seconded by French.

Motion on the Amendment was 3 in favor, 2 abstentions (Haviland and Hudecek). Motion Passed.

The minutes were approved as amended.

III. PUBLIC COMMUNICATIONS

Jim Furlong, 57 Fishtown Lane, Mystic, Director of Groton Open Space Association (GOSA) distributed and read a letter written to but not yet received by OPDS from GOSA asking questions about Kendig Keast Collaborative (KKC) and its plans to amend the Town's Zoning Regulations. He believes that thus far, insufficient public input has been allowed. He asked for a timeline for future meetings. Staff explained that many of those questions will be determined by the Zoning Commission, noting that the regulation amendment procedure should be followed.

John Bolduc, CEO of the Connecticut Association of Realtors, made reference to a memo dated 3/25/09 from Town Staff regarding the use of temporary real estate signs. In his opinion, he doesn't feel that it reads correctly and went on to say how useful open house signs are to the success of a realtors business.

Deb Chamberlain, 34 Palmers Cove Drive, a real estate agent, spoke in favor of open house signs. She feels that not being allowed to use open house signs could be harmful to the local economy, noting that no conveyance tax would be received by the Town.

Attorney David Evans gave background information about the use of temporary open house signs. He believes that the Zoning Commission has the authority to set the parameters of whether to allow temporary directional signs, which he understands would have to be applicable to all businesses within the town, not just realtors. He is trying to determine whether he should resubmit an application to the Zoning Commission to request approval of temporary directional signs. He believes that local towns such as Preston and North Stonington both permit these types of signs.

Lian Obrey, 141 Shennecossett Parkway, a real estate agent for 30 years, owns a small real estate office at 500 Bridge Street in Groton. She feels it is imperative that the Town assist small businesses and allow temporary open house signs. She stated that the conveyance tax that is paid to the Town Clerk is income to the Town and could be jeopardized.

Michael Collins, 45 Elderkin Avenue, Groton, read and submitted a letter in favor of the use of temporary open house real estate signs. He explained the benefits to the realtors as well as the town, noting that through the sale of a property, the town collects conveyance taxes. He also read into the record, a letter of support dated

3/31/09 from Gary Guastamachio of JSG Development, LLC, home builder for the Mystic Weigh Subdivision.

IV. CONSIDERATION OF PUBLIC HEARINGS – None

V. OLD BUSINESS

1. Land Use Regulation Update Project

Staff gave an update and will be preparing information for review by the Zoning Commission. At this point, KKC is working on the residential development yield model and is in the process of making modifications. He noted that regulation amendment updates are available on the Town's website under the OPDS link. He stated that audio tapes are available to listen to in the Planning Department, as well as other pertinent documents for viewing. He noted that the draft *Permitted Use Tables* document was included in the latest Zoning Commission agenda packet.

Concerns were raised about the draft *Permitted Use Tables*. Discussion ensued about the lack of clarity and format of the draft document. Staff explained that revisions are still needed and that this is just a rough draft; it is a working document to assist the Commission in understanding the full range of uses permitted. Staff reiterated that the purpose of distribution of this draft document is for the Zoning Commission to review and give comments tonight. Discussion continued about the specific breakdown of headings. Members expressed their concerns about Recreation/Adult Uses, Home Occupation/Day Care Homes, College/University, Large Scale Destination Commercial Uses, Heavy Industry, Club Lodge, Services, and Utilities. The way in which items were grouped was a concern by the Zoning Commission. Staff is completing its review and will review all concerns raised before completing an updated table. He noted that the Zoning Commission will be able to review these tables again at a later date, after which the public would review them at public hearings.

VI. NEW BUSINESS

1. Certificate of Approval of Location for Hannah Enterprises LLC, 530 New London Road, Mystic (Fazley Rabbi, Applicant)

Clint Brown of DiCesare Bentley reviewed the plans with the Commission and explained the necessary permit requirements, noting that plans have already been sent to the DOT. The proposal is to re-open the gas station, install new underground tanks and new pumps, and install handicapped ramps. The proposal also includes the installation of a canopy, construction of a new sidewalk and closing off the Route 1 driveway nearest the intersection. Repair bays will remain closed. He noted that Wetlands Agency approval has been granted.

Discussion ensued about the layout of the site and traffic flow. While some concerns were raised about the circulation pattern on site, Staff explained the reasons for same and the Planning Commission's approval requirements. Brown noted that the hours of operation will be from 6:00 am until 12:00 midnight and that restrictions on the intensity of lighting will be set in place, noting that lighting will be low and contained. He stated that there will be no work in the area of Eccelston Brook and that storm water management techniques will be enhanced from what is currently in place. He believes that this upgrade will contribute to the community.

Staff clarified state statutes regarding Certificates of Approval of Locations and explained about this non-conforming use, noting that the owners still have a right to sell gasoline at that site. Staff recommended approval of the request and feels it is the best use of what is permitted at that site. The plans have also been approved by the Zoning Board of Appeals and the Planning Commission.

MOTION: To approve the application for a Certificate of Approval of Location

Motion made by Haviland, seconded by O'Neill.

The Motion passed unanimously

2. Mystic Drawbridge Ice Cream Expansion, 2 – 4 West Main Street

Staff explained why a new application has been received. It appears that the original expansion approved in January 2009 was not the proper size the applicant desired, adding that 126 more square feet is apparently still needed, which requires another special permit from the Zoning Commission. A public hearing date of May 6, 2009 was set.

VII. REPORT OF CHAIRMAN – None

VIII. REPORT OF STAFF

Staff clarified the memo dated 3/25/09 sent to the Zoning Commission regarding realtor signs and gave concerns that exist with the applicant's original proposal. The applicant retains the right to apply for an application for a zoning amendment, as noted in Staff's memo to the Commission.

Discussion followed about other towns in Connecticut who may permit this type of activity. Staff explained that if the Zoning Commission chose to allow this type of activity in Groton, other commercial entities should expect to be allowed the same opportunity. Staff pointed out whether other towns have approved this type of activity or if they just don't enforce it, this does not necessarily make this activity legal. The Commission felt that some type of proposal could be drafted and reviewed, which could be tailored to this particular type of industry. Staff stated that it would be best for the applicant to file an application, after which time the Commission could make a decision following the process.

IX. ADJOURNMENT

Motion to adjourn at 9:32 p.m. by O'Neill, seconded by Haviland, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Robin M. Silsby, Office Assistant II